

107TH CONGRESS  
2D SESSION

# S. 3132

To improve the economy and the quality of life for all citizens by authorizing funds for Federal-aid highways, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2002

Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To improve the economy and the quality of life for all citizens by authorizing funds for Federal-aid highways, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maximum Economic  
5 Growth for America Through Highway Funding Act” or  
6 the “MEGA Fund Act”.

7 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) PROGRAMS SUBJECT TO MINIMUM GUAR-  
9 ANTEE.—The following sums are authorized to be appro-

1 priated out of the Highway Trust Fund (other than the  
2 Mass Transit Account):

3 (1) INTERSTATE MAINTENANCE PROGRAM.—

4 For the Interstate maintenance program under sec-  
5 tion 119 of title 23, United States Code,  
6 \$4,864,000,000 for fiscal year 2004,  
7 \$5,020,000,000 for fiscal year 2005,  
8 \$5,176,000,000 for fiscal year 2006,  
9 \$5,333,000,000 for fiscal year 2007,  
10 \$5,645,000,000 for fiscal year 2008, and  
11 \$5,958,000,000 for fiscal year 2009.

12 (2) NATIONAL HIGHWAY SYSTEM.—For the Na-  
13 tional Highway System under section 103(b) of title  
14 23, United States Code, \$5,836,000,000 for fiscal  
15 year 2004, \$6,024,000,000 for fiscal year 2005,  
16 \$6,212,000,000 for fiscal year 2006,  
17 \$6,399,000,000 for fiscal year 2007,  
18 \$6,774,000,000 for fiscal year 2008, and  
19 \$7,150,000,000 for fiscal year 2009.

20 (3) BRIDGE PROGRAM.—For the bridge pro-  
21 gram under section 144 of title 23, United States  
22 Code, \$4,173,000,000 for fiscal year 2004,  
23 \$4,307,000,000 for fiscal year 2005,  
24 \$4,442,000,000 for fiscal year 2006,  
25 \$4,576,000,000 for fiscal year 2007,

1       \$4,844,000,000   for   fiscal   year   2008,   and  
 2       \$5,112,000,000 for fiscal year 2009.

3           (4) SURFACE TRANSPORTATION PROGRAM.—

4       For the surface transportation program under sec-  
 5       tion 133 of title 23, United States Code,  
 6       \$6,809,000,000   for   fiscal   year   2004,  
 7       \$7,028,000,000   for   fiscal   year   2005,  
 8       \$7,247,000,000   for   fiscal   year   2006,  
 9       \$7,466,000,000   for   fiscal   year   2007,  
 10       \$7,903,000,000   for   fiscal   year   2008,   and  
 11       \$8,341,000,000 for fiscal year 2009.

12           (5) CONGESTION MITIGATION AND AIR QUALITY

13       IMPROVEMENT PROGRAM.—For the congestion miti-  
 14       gation and air quality improvement program under  
 15       section 149 of title 23, United States Code,  
 16       \$1,654,000,000   for   fiscal   year   2004,  
 17       \$1,707,000,000   for   fiscal   year   2005,  
 18       \$1,760,000,000   for   fiscal   year   2006,  
 19       \$1,813,000,000   for   fiscal   year   2007,  
 20       \$1,919,000,000   for   fiscal   year   2008,   and  
 21       \$2,026,000,000 for fiscal year 2009.

22           (6) APPALACHIAN DEVELOPMENT HIGHWAY

23       SYSTEM PROGRAM.—For the Appalachian develop-  
 24       ment highway system program under section 14501

1 of title 40, United States Code, \$450,000,000 for  
 2 each of fiscal years 2004 through 2009.

3 (7) RECREATIONAL TRAILS PROGRAM.—For the  
 4 recreational trails program under section 206 of title  
 5 23, United States Code, \$75,000,000 for each of fis-  
 6 cal years 2004 through 2009.

7 (8) HIGH PRIORITY PROJECTS PROGRAM.—For  
 8 the high priority projects program under section 117  
 9 of title 23, United States Code, \$1,000,000,000 for  
 10 each of fiscal years 2004 through 2009.

11 (b) ASSISTANCE IN OVERCOMING ECONOMIC AND  
 12 DEMOGRAPHIC BARRIERS.—For the program to provide  
 13 assistance in overcoming economic and demographic bar-  
 14 riers under section 139 of title 23, United States Code,  
 15 there is authorized to be appropriated out of the Highway  
 16 Trust Fund (other than the Mass Transit Account)  
 17 \$2,000,000,000 for each of fiscal years 2004 through  
 18 2009.

19 (c) ADDITIONAL PROGRAMS.—The following sums  
 20 are authorized to be appropriated out of the Highway  
 21 Trust Fund (other than the Mass Transit Account):

22 (1) FEDERAL LANDS HIGHWAYS PROGRAM.—

23 (A) INDIAN RESERVATION ROADS.—For  
 24 Indian reservation roads under section 204 of

1 title 23, United States Code, \$300,000,000 for  
2 each of fiscal years 2004 through 2009.

3 (B) PUBLIC LANDS HIGHWAYS.—For pub-  
4 lic lands highways under section 204 of title 23,  
5 United States Code, \$350,000,000 for each of  
6 fiscal years 2004 through 2009.

7 (C) PARK ROADS AND PARKWAYS.—For  
8 park roads and parkways under section 204 of  
9 title 23, United States Code, \$300,000,000 for  
10 each of fiscal years 2004 through 2009.

11 (D) REFUGE ROADS.—For refuge roads  
12 under section 204 of title 23, United States  
13 Code, \$35,000,000 for each of fiscal years 2004  
14 through 2009.

15 (2) NATIONAL CORRIDOR PLANNING AND DE-  
16 VELOPMENT PROGRAM.—For the national corridor  
17 planning and development program under section  
18 1118 of the Transportation Equity Act for the 21st  
19 Century (23 U.S.C. 101 note; 112 Stat. 161)  
20 \$100,000,000 for each of fiscal years 2004 through  
21 2009.

22 (3) COORDINATED BORDER INFRASTRUCTURE  
23 PROGRAM.—For the coordinated border infrastruc-  
24 ture program under section 1119 of the Transpor-  
25 tation Equity Act for the 21st Century (23 U.S.C.

1       101 note; 112 Stat. 163) \$100,000,000 for each of  
2       fiscal years 2004 through 2009.

3           (4) CONSTRUCTION OF FERRY BOATS AND  
4       FERRY TERMINAL FACILITIES.—For construction of  
5       ferry boats and ferry terminal facilities under sec-  
6       tion 1064 of the Intermodal Surface Transportation  
7       Efficiency Act of 1991 (23 U.S.C. 129 note; 105  
8       Stat. 2005) \$50,000,000 for each of fiscal years  
9       2004 through 2009.

10          (5) NATIONAL SCENIC BYWAYS PROGRAM.—For  
11       the national scenic byways program under section  
12       162 of title 23, United States Code, \$30,000,000 for  
13       each of fiscal years 2004 through 2009.

14          (6) HIGHWAY USE TAX EVASION PROJECTS.—  
15       For highway use tax evasion projects under section  
16       143 of title 23, United States Code, \$40,000,000 for  
17       each of fiscal years 2004 through 2009.

18          (7) COMMONWEALTH OF PUERTO RICO HIGH-  
19       WAY PROGRAM.—For the Commonwealth of Puerto  
20       Rico highway program under section 1214(r) of the  
21       Transportation Equity Act for the 21st Century  
22       (112 Stat. 209) \$130,000,000 for each of fiscal  
23       years 2004 through 2009.

24          (d) TRANSPORTATION AND COMMUNITY AND SYSTEM  
25       PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of

1 the Transportation Equity Act for the 21st Century (23  
2 U.S.C. 101 note; 112 Stat. 223) is amended—

3 (1) by striking “1999 and” and inserting  
4 “1999,”; and

5 (2) by inserting before the period at the end the  
6 following: “, and \$50,000,000 for each of fiscal  
7 years 2004 through 2009”.

8 (e) NATIONAL HISTORIC COVERED BRIDGE PRESER-  
9 VATION.—Section 1224(d) of the Transportation Equity  
10 Act for the 21st Century (112 Stat. 837) is amended by  
11 striking “2003” and inserting “2009”.

12 (f) SAFETY INCENTIVE GRANTS FOR USE OF SEAT  
13 BELTS.—Section 157(g)(1) of title 23, United States  
14 Code, is amended—

15 (1) by striking “2002, and” and inserting  
16 “2002,”; and

17 (2) by inserting before the period at the end the  
18 following: “, and \$115,000,000 for each of fiscal  
19 years 2004 through 2009”.

20 (g) RESEARCH PROGRAMS.—The following sums are  
21 authorized to be appropriated out of the Highway Trust  
22 Fund (other than the Mass Transit Account):

23 (1) SURFACE TRANSPORTATION RESEARCH.—  
24 For carrying out sections 502, 506, 507, and 508 of

1 title 23, United States Code, \$103,000,000 for each  
2 of fiscal years 2004 through 2009.

3 (2) TECHNOLOGY DEPLOYMENT PROGRAM.—  
4 For carrying out section 503 of title 23, United  
5 States Code, \$50,000,000 for each of fiscal years  
6 2004 through 2009.

7 (3) TRAINING AND EDUCATION.—For carrying  
8 out section 504 of title 23, United States Code,  
9 \$20,000,000 for each of fiscal years 2004 through  
10 2009.

11 (4) BUREAU OF TRANSPORTATION STATIS-  
12 TICS.—For the Bureau of Transportation Statistics  
13 to carry out section 111 of title 49, United States  
14 Code, \$31,000,000 for each of fiscal years 2004  
15 through 2009.

16 (5) ITS STANDARDS, RESEARCH, OPERATIONAL  
17 TESTS, AND DEVELOPMENT.—For carrying out sec-  
18 tions 5204, 5205, 5206, and 5207 of the Transpor-  
19 tation Equity Act for the 21st Century (23 U.S.C.  
20 502 note; 112 Stat. 453) \$110,000,000 for each of  
21 fiscal years 2004 through 2009.

22 (6) ITS DEPLOYMENT.—For carrying out sec-  
23 tions 5208 and 5209 of the Transportation Equity  
24 Act for the 21st Century (23 U.S.C. 502 note; 112



1       Stat. 458) \$140,000,000 for each of fiscal years  
2       2004 through 2009.

3           (7)     UNIVERSITY     TRANSPORTATION     RE-  
4       SEARCH.—For carrying out section 5505 of title 49,  
5       United States Code, \$32,000,000 for each of fiscal  
6       years 2004 through 2009.

7       (h) FUTURE STRATEGIC HIGHWAY RESEARCH PRO-  
8       GRAM.—Section 104 of title 23, United States Code, is  
9       amended by adding at the end the following:

10       “(m) FUTURE STRATEGIC HIGHWAY RESEARCH  
11       PROGRAM.—

12           “(1) DEDUCTIONS.—For each of fiscal years  
13       2004 through 2009, whenever an apportionment is  
14       made of the sums made available for expenditure on  
15       each of the surface transportation program under  
16       section 133, the bridge program under section 144,  
17       the congestion mitigation and air quality improve-  
18       ment program under section 149, and the Interstate  
19       and National Highway System program, the Sec-  
20       retary shall make proportionate deductions from  
21       those programs, in a total amount equal to  
22       \$75,000,000, to be used to pay the costs of a future  
23       strategic highway research program established  
24       under paragraph (2).

1           “(2) PROGRAM.—The Secretary shall establish  
2           and carry out a future strategic highway research  
3           program.

4           “(3) FEDERAL SHARE.—The Federal share of  
5           the cost of a project carried out under the future  
6           strategic highway research program shall be 80 per-  
7           cent (unless the Secretary determines otherwise with  
8           respect to a project).

9           “(4) AVAILABILITY OF AMOUNTS.—The  
10          amounts deducted under paragraph (1) shall be  
11          available for obligation in the same manner as if the  
12          funds were apportioned under this chapter, except  
13          that the funds shall remain available until ex-  
14          pended.”.

15          (i) MAGNETIC LEVITATION TRANSPORTATION TECH-  
16          NOLOGY           DEPLOYMENT           PROGRAM.—Section  
17          322(h)(1)(B)(i) of title 23, United States Code, is amend-  
18          ed—

19               (1) by striking “2002, and” and inserting  
20               “2002,”; and

21               (2) by inserting before the period at the end the  
22               following: “, and such sums as are necessary for fis-  
23               cal year 2004 and each fiscal year thereafter”.

24          (j) TIFIA.—Section 188 of title 23, United States  
25          Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)(E), by striking “fis-  
3 cal year 2003” and inserting “each of fiscal  
4 years 2003 through 2009”; and

5 (B) in paragraph (2), by striking “2003”  
6 and inserting “2009”; and

7 (2) in the table contained in subsection (c), by  
8 striking the item relating to fiscal year 2003 and in-  
9 serting the following:

“2003 .....	\$2,600,000,000
“2004 .....	\$2,600,000,000
“2005 .....	\$2,600,000,000
“2006 .....	\$2,600,000,000
“2007 .....	\$2,600,000,000
“2008 .....	\$2,600,000,000
“2009 .....	\$2,600,000,000.”.

### 10 **SEC. 3. OBLIGATION CEILING.**

11 (a) IN GENERAL.—Section 1102 of the Transpor-  
12 tation Equity Act for the 21st Century (23 U.S.C. 104  
13 note; 112 Stat. 115) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (5), by striking “and” at  
16 the end;

17 (B) in paragraph (6), by striking the pe-  
18 riod at the end and inserting a semicolon; and

19 (C) by adding at the end the following:

20 “(7) \$34,000,000,000 for fiscal year 2004;

21 “(8) \$35,000,000,000 for fiscal year 2005;

22 “(9) \$36,000,000,000 for fiscal year 2006;

1 “(10) \$37,000,000,000 for fiscal year 2007;

2 “(11) \$39,000,000,000 for fiscal year 2008;

3 and

4 “(12) \$41,000,000,000 for fiscal year 2009.”;

5 (2) in subsection (b)(8), by striking “through  
6 2007” and inserting “through 2009”;

7 (3) in subsection (c)—

8 (A) by striking “For each of fiscal years  
9 1998 through 2003,” and inserting “Except as  
10 otherwise provided, for fiscal year 1998 and  
11 each fiscal year thereafter,”;

12 (B) in paragraph (1)—

13 (i) by striking “Code, and amounts”  
14 and inserting “Code, amounts”; and

15 (ii) by inserting before the semicolon  
16 at the end the following: “or, for fiscal  
17 year 2004 and each fiscal year thereafter,  
18 amounts authorized for the Indian reserva-  
19 tion roads program under section 204 of  
20 title 23, United States Code”; and

21 (C) in paragraph (5), by striking “this  
22 Act” and inserting “this Act, the Maximum  
23 Economic Growth for America Through High-  
24 way Funding Act,”;

1 (4) in subsection (d), by striking “2003” and  
2 inserting “2009”;

3 (5) in subsection (e)—

4 (A) by striking “Obligation” and inserting  
5 the following:

6 “(1) IN GENERAL.—Obligation”;

7 (B) in paragraph (1) (as designated by  
8 subparagraph (A)), by striking “and under title  
9 V of this Act” and inserting “under title V of  
10 this Act, and under the Maximum Economic  
11 Growth for America Through Highway Funding  
12 Act”; and

13 (C) by adding at the end the following:

14 “(2) LIMITATION FOR FISCAL YEARS 2004  
15 THROUGH 2009.—Notwithstanding any other provi-  
16 sion of law, the total of all obligations from amounts  
17 made available from the Highway Trust Fund (other  
18 than the Mass Transit Account) by section 2(f) of  
19 the Maximum Economic Growth for America  
20 Through Highway Funding Act, and section 104(m)  
21 of title 23, United States Code, shall not exceed  
22 \$561,000,000 for each of fiscal years 2004 through  
23 2009.”;

24 (6) in the first sentence of subsection (f), by  
25 striking “2003” and inserting “2009”;

1 (7) in subsection (h)—

2 (A) by striking “Limitations on obligations  
3 imposed by subsection (a)” and inserting the  
4 following:

5 “(1) FISCAL YEARS 1998 THROUGH 2003.—Limi-  
6 tations on obligations imposed by paragraphs (1)  
7 through (6) of subsection (a)”;

8 (B) by adding at the end the following:

9 “(2) FISCAL YEARS 2004 THROUGH 2009.—

10 “(A) IN GENERAL.—Limitations on obliga-  
11 tions imposed by paragraphs (7) through (12)  
12 of subsection (a) for a fiscal year shall be in-  
13 creased by an amount equal to the amount of  
14 any increase for the fiscal year determined  
15 under section 4(b)(5) of the Maximum Eco-  
16 nomic Growth for America Through Highway  
17 Funding Act.

18 “(B) DISTRIBUTION OF INCREASES.—Any  
19 increase under subparagraph (A) shall be dis-  
20 tributed in accordance with this section.”; and  
21 (8) in subsection (i)—

22 (A) in paragraph (5), by striking “and” at  
23 the end;

24 (B) in paragraph (6), by striking the pe-  
25 riod at the end and inserting a semicolon; and

1 (C) by adding at the end the following:

2 “(7) \$450,000,000 for fiscal year 2004;

3 “(8) \$470,000,000 for fiscal year 2005;

4 “(9) \$490,000,000 for fiscal year 2006;

5 “(10) \$510,000,000 for fiscal year 2007;

6 “(11) \$530,000,000 for fiscal year 2008; and

7 “(12) \$550,000,000 for fiscal year 2009.”.

8 (b) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—

9 Section 104(a)(1) of title 23, United States Code, is  
10 amended—

11 (1) by inserting “the lesser of” after “in an  
12 amount not to exceed”;

13 (2) in subparagraph (A)—

14 (A) by redesignating clauses (i) and (ii) as  
15 subclauses (I) and (II), respectively, and in-  
16 denting appropriately; and

17 (B) by striking “(A) 1<sup>1</sup>/<sub>6</sub> percent” and in-  
18 serting the following:

19 “(A) the sum of—

20 “(i) 1<sup>1</sup>/<sub>6</sub> percent”;

21 (3) by striking “(B) one-third” and inserting  
22 the following:

23 “(ii) one-third”;

1           (4) in subparagraph (A)(ii) (as so designated),  
 2           by striking the period at the end and inserting “;  
 3           or”; and

4           (5) by adding at the end the following:

5                   “(B) the amount specified for the applica-  
 6           ble fiscal year in section 1102(i) of the Trans-  
 7           portation Equity Act for the 21st Century (23  
 8           U.S.C. 104 note; 112 Stat. 118) for use as de-  
 9           scribed in subparagraph (A).”.

10 **SEC. 4. RELIABLE HIGHWAY PROGRAM LEVELS; REVISIONS**

11 **TO REVENUE ALIGNED BUDGET AUTHORITY.**

12           (a) SENSE OF THE SENATE RELATING TO REFORM  
 13 OF REVENUE ALIGNED BUDGET AUTHORITY.—

14           (1) FINDINGS.—The Senate finds that—

15                   (A) the experience under the Transpor-  
 16           tation Equity Act for the 21st Century (112  
 17           Stat. 107) with respect to revenue aligned  
 18           budget authority (referred to in this subsection  
 19           as “RABA”) has been that, while RABA has  
 20           produced increases in highway program obliga-  
 21           tion levels in some fiscal years, RABA also—

22                           (i) has allowed the balance in the  
 23                           Highway Trust Fund (other than the Mass  
 24                           Transit Account) to grow since the date of



1 enactment of the Transportation Equity  
2 Act for the 21st Century;

3 (ii) does not provide a mechanism to  
4 allow that balance to be expended for the  
5 benefit of the public; and

6 (iii) has resulted in unexpectedly large  
7 annual differences, or estimated dif-  
8 ferences, in highway program obligation  
9 authority as compared with the levels spec-  
10 ified in section 1102 of the Transportation  
11 Equity Act for the 21st Century (23  
12 U.S.C. 104 note; 112 Stat. 115); and

13 (B) Congress has taken legislative action  
14 to reject the implementation of estimates that  
15 would have resulted in “negative” RABA.

16 (2) SENSE OF THE SENATE.—It is the sense of  
17 the Senate that the provisions of budget legislation  
18 pertaining to the highway program should be  
19 amended—

20 (A) to improve predictability and stability  
21 in the levels of highway program obligation au-  
22 thority;

23 (B) to facilitate the expenditure of funds  
24 in the Highway Trust Fund (other than the  
25 Mass Transit Account); and

1 (C) to eliminate the possibility of reduc-  
 2 tions in the levels of highway program obliga-  
 3 tion authority being imposed automatically, so  
 4 that any reductions are solely the prerogative of  
 5 Congress.

6 (b) RELIABLE HIGHWAY PROGRAM LEVELS.—

7 (1) IN GENERAL.—Notwithstanding any other  
 8 provision of law, no spending limits other than the  
 9 spending limits specified in this subsection may be  
 10 imposed, for any of fiscal years 2004 through 2009,  
 11 on budget accounts or portions of budget accounts  
 12 that are subject to the obligation limitations and the  
 13 exemptions from obligation limitations that are spec-  
 14 ified in section 1102 of the Transportation Equity  
 15 Act for the 21st Century (23 U.S.C. 104 note; 112  
 16 Stat. 115).

17 (2) AMOUNT OF OBLIGATION AUTHORITY.—For  
 18 each of fiscal years 2004 through 2009, the limita-  
 19 tion on obligation authority for the budget accounts  
 20 described in paragraph (1) shall be equal to the sum  
 21 of—

22 (A) the limitation for that fiscal year speci-  
 23 fied in section 1102(a) of the Transportation  
 24 Equity Act for the 21st Century;

1 (B) all amounts exempt from that limit  
 2 under section 1102(b) of that Act; and

3 (C) the amount of any increase for the fis-  
 4 cal year under paragraph (5).

5 (3) OUTLAYS.—For each of fiscal years 2004  
 6 through 2009, the limitation on outlays for the  
 7 budget accounts described in paragraph (1) shall be  
 8 the level of outlays necessary to accommodate out-  
 9 lays resulting from obligations for that fiscal year  
 10 under paragraph (2) and obligations from prior fis-  
 11 cal years.

12 (4) ANNUAL REPORT ON ESTIMATED BALANCE  
 13 IN HIGHWAY ACCOUNT.—In the submission by the  
 14 President of the budget of the United States Gov-  
 15 ernment under section 1105 of title 31, United  
 16 States Code, for each of fiscal years 2005 through  
 17 2009, the President shall include an estimate of the  
 18 balance that will be in the Highway Account of the  
 19 Highway Trust Fund (as defined in section  
 20 9503(e)(5)(B) of the Internal Revenue Code of  
 21 1986) at the end of fiscal year 2009.

22 (5) INCREASE BASED ON FUND BALANCE.—

23 (A) ESTIMATE FOR FISCAL YEAR 2005.—In  
 24 the submission by the President of the budget  
 25 of the United States Government under section

1105 of title 31, United States Code, for fiscal  
year 2005, if the estimate described in para-  
graph (4) is that, but for this subparagraph,  
the balance in the Highway Account of the  
Highway Trust Fund at the end of fiscal year  
2009 will be in excess of \$7,000,000,000, the  
amount specified in section 1102(a)(8) of the  
Transportation Equity Act for the 21st Century  
shall be deemed to have been increased by an  
amount equal to 50 percent of the amount of  
the estimated excess.

(B) ESTIMATE FOR FISCAL YEAR 2006.—In  
the submission by the President of the budget  
of the United States Government under section  
1105 of title 31, United States Code, for fiscal  
year 2006, if the estimate described in para-  
graph (4) is that, but for this subparagraph,  
the balance in the Highway Account of the  
Highway Trust Fund at the end of fiscal year  
2009 will be in excess of \$6,500,000,000, the  
amount specified in section 1102(a)(9) of the  
Transportation Equity Act for the 21st Century  
shall be deemed to have been increased by an  
amount equal to 50 percent of the amount of  
the estimated excess.

1           (C) ESTIMATE FOR FISCAL YEAR 2007.—In  
2           the submission by the President of the budget  
3           of the United States Government under section  
4           1105 of title 31, United States Code, for fiscal  
5           year 2007, if the estimate described in para-  
6           graph (4) is that, but for this subparagraph,  
7           the balance in the Highway Account of the  
8           Highway Trust Fund at the end of fiscal year  
9           2009 will be in excess of \$6,000,000,000, the  
10          amount specified in section 1102(a)(10) of the  
11          Transportation Equity Act for the 21st Century  
12          shall be deemed to have been increased by an  
13          amount equal to 50 percent of the amount of  
14          the estimated excess.

15          (D) ESTIMATE FOR FISCAL YEAR 2008.—In  
16          the submission by the President of the budget  
17          of the United States Government under section  
18          1105 of title 31, United States Code, for fiscal  
19          year 2008, if the estimate described in para-  
20          graph (4) is that, but for this subparagraph,  
21          the balance in the Highway Account of the  
22          Highway Trust Fund at the end of fiscal year  
23          2009 will be in excess of \$5,500,000,000, the  
24          amount specified in section 1102(a)(11) of the  
25          Transportation Equity Act for the 21st Century

1 shall be deemed to have been increased by an  
2 amount equal to 50 percent of the amount of  
3 the estimated excess.

4 (E) ESTIMATE FOR FISCAL YEAR 2009.—In  
5 the submission by the President of the budget  
6 of the United States Government under section  
7 1105 of title 31, United States Code, for fiscal  
8 year 2009, if the estimate described in para-  
9 graph (4) is that, but for this subparagraph,  
10 the balance in the Highway Account of the  
11 Highway Trust Fund at the end of fiscal year  
12 2009 will be in excess of \$5,000,000,000, the  
13 amount specified in section 1102(a)(12) of the  
14 Transportation Equity Act for the 21st Century  
15 shall be deemed to have been increased by an  
16 amount equal to the amount of the estimated  
17 excess.

18 (6) NO EFFECT ON BYRD RULE.—Nothing in  
19 this subsection affects section 9503(d) of the Inter-  
20 nal Revenue Code of 1986.

21 (c) SENSE OF THE SENATE SUPPORTING RELIABLE  
22 PROGRAM LEVELS IN ADDITIONAL BUDGET AC-  
23 COUNTS.—It is the sense of the Senate that the Act reau-  
24 thorizing highway, highway safety, and transit programs  
25 for fiscal years beginning with fiscal year 2004 should in-

1 clude, in addition to the budgetary protections for the  
 2 highway program provided under subsection (b), appro-  
 3 priate budgetary protections for highway safety and tran-  
 4 sit programs.

5 (d) CONFORMING AMENDMENTS TO REVENUE  
 6 ALIGNED BUDGET AUTHORITY.—Section 110 of title 23,  
 7 United States Code, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by inserting “FOR FISCAL YEARS  
 11 2000 THROUGH 2003” after “ALLOCATION”;  
 12 and

13 (ii) by striking “fiscal year 2000 and  
 14 each fiscal year thereafter” and inserting  
 15 “each of fiscal years 2000 through 2003”;

16 (B) in paragraph (2)—

17 (i) by inserting “FOR FISCAL YEARS  
 18 2001 THROUGH 2003” after “REDUCTION”;  
 19 and

20 (ii) by striking “fiscal year 2000 or  
 21 any fiscal year thereafter” and inserting  
 22 “any of fiscal years 2000 through 2002”;

23 and

24 (C) by adding at the end the following:

1           “(3) ALLOCATIONS FOR FISCAL YEARS 2005  
 2 THROUGH 2009.—For any of fiscal years 2005  
 3 through 2009, if an increase is made to the level of  
 4 obligation authority under section 4(b)(5) of the  
 5 Maximum Economic Growth for America Through  
 6 Highway Funding Act, the Secretary shall allocate  
 7 for the fiscal year an amount equal to the amount  
 8 of the increase.”; and

9           (2) in subsection (b)—

10           (A) in paragraph (1)(A)—

11           (i) by striking “for” the second place  
 12 it appears; and

13           (ii) by inserting “(112 Stat. 107), the  
 14 Maximum Economic Growth for America  
 15 Through Highway Funding Act” after  
 16 “21st Century”;

17           (B) in paragraph (2), by striking “sub-  
 18 section (a)(1)” and inserting “paragraph (1) or  
 19 (3) of subsection (a), as applicable,”; and

20           (C) in paragraph (4), by striking “sub-  
 21 section (a)(1)” and inserting “paragraph (1) or  
 22 (3) of subsection (a), as applicable,”.



1 **SEC. 5. ASSISTANCE IN OVERCOMING ECONOMIC AND DE-**  
 2 **MOGRAPHIC BARRIERS.**

3 (a) IN GENERAL.—Title 23, United States Code, is  
 4 amended by inserting after section 138 the following:

5 **“§ 139. Assistance in overcoming economic and demo-**  
 6 **graphic barriers**

7 “(a) DEFINITIONS.—In this section:

8 “(1) HIGH-GROWTH STATE.—The term ‘high-  
 9 growth State’ means a State that has a population  
 10 according to the 2000 decennial census that is at  
 11 least 25 percent greater than the population for the  
 12 State according to the 1990 decennial census.

13 “(2) HIGH-POPULATION-DENSITY STATE.—The  
 14 term ‘high-population-density State’ means a State  
 15 in which the number of individuals per principal ar-  
 16 terial mile is greater than 75 percent of the number  
 17 of individuals per principal arterial mile in the 50  
 18 States and the District of Columbia, as determined  
 19 using population according to the 2000 decennial  
 20 census.

21 “(3) HIGHWAY STATISTICS.—

22 “(A) IN GENERAL.—The term ‘Highway  
 23 Statistics’ means the Highway Statistics pub-  
 24 lished by the Federal Highway Administration  
 25 for the most recent calendar or fiscal year for  
 26 which data are available, which most recent cal-

1           endar or fiscal year shall be determined as of  
2           the first day of the fiscal year for which any  
3           calculation using the Highway Statistics is  
4           made.

5           “(B) TERMS.—Any reference to a term  
6           that is used in the Highway Statistics is a ref-  
7           erence to the term as used in the Highway Sta-  
8           tistics as of September 30, 2002.

9           “(4) LOW-INCOME STATE.—The term ‘low-in-  
10          come State’ means a State that, according to Table  
11          PS–1 of the Highway Statistics, has a per capita in-  
12          come that is less than the national average per cap-  
13          ita income.

14          “(5) LOW-POPULATION-DENSITY STATE.—The  
15          term ‘low-population-density State’ means a State in  
16          which the number of individuals per principal arte-  
17          rial mile is less than 75 percent of the number of  
18          individuals per principal arterial mile in the 50  
19          States and the District of Columbia, as determined  
20          using population according to the 2000 decennial  
21          census.

22          “(6) NATIONAL AVERAGE PER CAPITA IN-  
23          COME.—The term ‘national average per capita in-  
24          come’ means the average per capita income for the

1       50 States and the District of Columbia, as specified  
2       in the Highway Statistics.

3           “(7) PRINCIPAL ARTERIAL MILES.—The term  
4       ‘principal arterial miles’, with respect to a State,  
5       means the principal arterial miles (including Inter-  
6       state and other expressway or freeway system miles)  
7       in the State, as specified in Table HM–20 of the  
8       Highway Statistics.

9           “(8) STATE.—The term ‘State’ means each of  
10       the 50 States.

11          “(9) STATE WITH EXTENSIVE ROAD OWNER-  
12       SHIP.—The term ‘State with extensive road owner-  
13       ship’ means a State that owns more than 80 percent  
14       of the total Federal-aid and non-Federal-aid mileage  
15       in the State according to Table HM–14 of the High-  
16       way Statistics.

17          “(b) ESTABLISHMENT.—There is established a pro-  
18       gram to assist States that face certain economic and de-  
19       mographic barriers in meeting transportation needs.

20          “(c) ALLOCATION OF FUNDS.—For each of fiscal  
21       years 2004 through 2009, funds made available to carry  
22       out this section shall be allocated as follows:

23           “(1) LOW-INCOME STATES.—For each fiscal  
24       year, each low-income State shall receive an alloca-

tion under this paragraph that is equal to the product obtained by multiplying—

“(A) \$600,000,000; and

“(B) the ratio that—

“(i) the difference between—

“(I) the national average per capita income; and

“(II) the per capita income of the low-income State; bears to

“(ii) the sum of the differences determined under clause (i) for all low-income States.

“(2) HIGH-GROWTH STATES.—For each fiscal year, each high-growth State shall receive an allocation under this paragraph that is equal to the product obtained by multiplying—

“(A) \$75,000,000; and

“(B) the ratio that—

“(i) the percentage by which the population of the high-growth State according to the 2000 decennial census exceeds the population of the high-growth State according to the 1990 decennial census; bears to

1 “(ii) the sum of the percentages deter-  
 2 mined under clause (i) for all high-growth  
 3 States.

4 “(3) LOW-POPULATION-DENSITY STATES.—

5 “(A) IN GENERAL.—Subject to subpara-  
 6 graph (B), for each fiscal year, each low-popu-  
 7 lation-density State shall receive an allocation  
 8 under this paragraph that is equal to the prod-  
 9 uct obtained by multiplying—

10 “(i) \$625,000,000; and

11 “(ii) the ratio that—

12 “(I) the quotient obtained by di-  
 13 viding—

14 “(aa) the number of prin-  
 15 cipal arterial miles in the State;  
 16 by

17 “(bb) the population of the  
 18 low-population-density State ac-  
 19 cording to the 2000 decennial  
 20 census; bears to

21 “(II) the sum of the quotients  
 22 determined under subclause (I) for all  
 23 low-population-density States.

24 “(B) MAXIMUM ALLOCATION.—

1           “(i) IN GENERAL.—If the allocation  
 2           for a low-population-density State under  
 3           subparagraph (A) is greater than  
 4           \$35,000,000, the allocation of the low-pop-  
 5           ulation-density State shall be reduced to  
 6           \$35,000,000.

7           “(ii) USE OF EXCESS ALLOCATIONS.—

8                 “(I) REALLOCATION.—Subject to  
 9                 subclause (II), the funds in addition  
 10                to the \$35,000,000 that would have  
 11                been allocated to a low-population-  
 12                density State but for clause (i) shall  
 13                be reallocated among the low-popu-  
 14                lation-density States that were allo-  
 15                cated less than \$35,000,000 under  
 16                subparagraph (A) in accordance with  
 17                the proportionate shares of those low-  
 18                population-density States under sub-  
 19                paragraph (A).

20               “(II) ADDITIONAL REALLOCA-  
 21                TIONS.—If a reallocation under sub-  
 22                clause (I) would result in the receipt  
 23                by any low-population-density State of  
 24                an amount greater than \$35,000,000  
 25                under this paragraph—

1 “(aa) the allocation for the  
 2 low-population-density State shall  
 3 be reduced to \$35,000,000; and

4 “(bb) the amounts in excess  
 5 of \$35,000,000 shall be subject  
 6 to 1 or more further reallocations  
 7 in accordance with that subclause  
 8 so that no low-population-density  
 9 State is allocated more than  
 10 \$35,000,000 under this para-  
 11 graph.

12 “(4) HIGH-POPULATION-DENSITY STATES.—

13 “(A) IN GENERAL.—Subject to subpara-  
 14 graph (B), for each fiscal year, each high-popu-  
 15 lation-density State shall receive an allocation  
 16 under this paragraph that is equal to the prod-  
 17 uct obtained by multiplying—

18 “(i) \$625,000,000; and

19 “(ii) the ratio that—

20 “(I) the quotient obtained by di-  
 21 viding—

22 “(aa) the population of the  
 23 high-population-density State ac-  
 24 cording to the 2000 decennial  
 25 census; by

1 “(bb) the number of prin-  
 2 cipal arterial miles in the State;  
 3 bears to

4 “(II) the sum of the quotients  
 5 determined under subclause (I) for all  
 6 high-population-density States.

7 “(B) MAXIMUM ALLOCATION.—

8 “(i) IN GENERAL.—If the allocation  
 9 for a high-population-density State under  
 10 subparagraph (A) is greater than  
 11 \$35,000,000, the allocation of the high-  
 12 population-density State shall be reduced  
 13 to \$35,000,000.

14 “(ii) USE OF EXCESS ALLOCATIONS.—

15 “(I) REALLOCATION.—Subject to  
 16 subclause (II), the funds in addition  
 17 to the \$35,000,000 that would have  
 18 been allocated to a high-population-  
 19 density State but for clause (i) shall  
 20 be reallocated among the high-popu-  
 21 lation-density States that were allo-  
 22 cated less than \$35,000,000 under  
 23 subparagraph (A) in accordance with  
 24 the proportionate shares of those



1 high-population-density States under  
2 subparagraph (A).

3 “(II) ADDITIONAL REALLOCA-  
4 TIONS.—If a reallocation under sub-  
5 clause (I) would result in the receipt  
6 by any high-population-density State  
7 of an amount greater than  
8 \$35,000,000 under this paragraph—

9 “(aa) the allocation for the  
10 high-population-density State  
11 shall be reduced to \$35,000,000;  
12 and

13 “(bb) the amounts in excess  
14 of \$35,000,000 shall be subject  
15 to 1 or more further reallocations  
16 in accordance with that subclause  
17 so that no high-population-den-  
18 sity State is allocated more than  
19 \$35,000,000 under this para-  
20 graph.

21 “(5) STATES WITH EXTENSIVE ROAD OWNER-  
22 SHIP.—For each fiscal year, each State with exten-  
23 sive road ownership shall receive an allocation under  
24 this paragraph that is equal to the product obtained  
25 by multiplying—

1 “(A) \$75,000,000; and

2 “(B) the ratio that—

3 “(i) the total Federal-aid and non-  
4 Federal-aid mileage owned by each State  
5 with extensive road ownership according to  
6 Table HM-14 of the Highway Statistics;  
7 bears to

8 “(ii) the sum of the mileages deter-  
9 mined under clause (i) for all States with  
10 extensive road ownership.

11 “(d) TREATMENT OF ALLOCATED FUNDS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),  
13 funds allocated to a State under this section for a  
14 fiscal year shall be treated for program administra-  
15 tive purposes as if the funds—

16 “(A) were funds apportioned to the State  
17 under sections 104(b)(1), 104(b)(2), 104(b)(3),  
18 104(b)(4), and 144; and

19 “(B) were apportioned to the State in the  
20 same ratio that the State is apportioned funds  
21 under the sections specified in subparagraph  
22 (A) for the fiscal year.

23 “(2) PROGRAM ADMINISTRATIVE PURPOSES.—  
24 Program administrative purposes referred to in  
25 paragraph (1)—

1 “(A) include—

2 “(i) the Federal share;

3 “(ii) availability for obligation; and

4 “(iii) except as provided in subpara-  
5 graph (B), applicability of deductions; and

6 “(B) exclude—

7 “(i) calculation of the minimum guar-  
8 antee under section 105; and

9 “(ii) applicability of the deduction for  
10 the future strategic highway research pro-  
11 gram under section 104(m).”.

12 (b) CONFORMING AMENDMENT.—The analysis for  
13 subchapter I of chapter 1 of title 23, United States Code,  
14 is amended by inserting after the item relating to section  
15 138 the following:

“139. Assistance in overcoming economic and demographic barriers.”.

16 **SEC. 6. EMERGENCY RELIEF.**

17 Section 125 of title 23, United States Code, is  
18 amended—

19 (1) in subsection (c)(1), by striking “Not more  
20 than \$100,000,000 is authorized to be obligated in  
21 any 1 fiscal year commencing after September 30,  
22 1980,” and inserting “Not more than \$100,000,000  
23 is authorized to be obligated in any of fiscal years  
24 1981 through 2003, and not more than

1       \$200,000,000 is authorized to be obligated in fiscal  
2       year 2004 or any fiscal year thereafter,”; and

3               (2) by adding at the end the following:

4       “(g) PROTECTION OF HIGHWAY TRUST FUND.—Ef-  
5       fective beginning on the earlier of October 1, 2003, or the  
6       date of enactment of this subsection, notwithstanding any  
7       other provision of law, if an Act is enacted that provides  
8       for an amount in excess of \$200,000,000 for any fiscal  
9       year for the emergency fund authorized by this section (in-  
10      cluding any Act that states that provision of that amount  
11      in excess of \$200,000,000 is ‘notwithstanding any other  
12      provision of law’), that Act shall be applied so that all  
13      funds for that fiscal year for the program established by  
14      this section in excess of \$200,000,000—

15              “(1) shall be derived from the general fund of  
16      the Treasury, and not from the Highway Trust  
17      Fund (other than the Mass Transit Account); but

18              “(2) shall be administered by the Secretary in  
19      all other respects as if the funds were appropriated  
20      from the Highway Trust Fund (other than the Mass  
21      Transit Account).”.

22   **SEC. 7. INCREASED STABILITY OF DISTRIBUTION UNDER**  
23                           **ALLOCATION PROGRAMS.**

24      (a) NATIONAL CORRIDOR PLANNING AND DEVELOP-  
25   MENT PROGRAM.—Section 1118 of the Transportation

1 Equity Act for the 21st Century (23 U.S.C. 101 note; 112  
2 Stat. 161) is amended—

3 (1) by redesignating subsection (g) as sub-  
4 section (h); and

5 (2) by inserting after subsection (f) the fol-  
6 lowing:

7 “(g) MINIMUM ALLOCATIONS TO BORDER STATES.—  
8 Notwithstanding any other provision of law, in allocating  
9 funds under this section for fiscal year 2004 and each fis-  
10 cal year thereafter, the Secretary shall ensure that not less  
11 than 2 percent of the funds made available to carry out  
12 the program under this section are allocated to each bor-  
13 der State (as defined in section 1119(e)).”.

14 (b) COORDINATED BORDER INFRASTRUCTURE PRO-  
15 GRAM.—Section 1119 of the Transportation Equity Act  
16 for the 21st Century (23 U.S.C. 101 note; 112 Stat. 163)  
17 is amended—

18 (1) by redesignating subsection (e) as sub-  
19 section (f); and

20 (2) by inserting after subsection (d) the fol-  
21 lowing:

22 “(e) MINIMUM ALLOCATIONS TO BORDER STATES.—  
23 Notwithstanding any other provision of law, in allocating  
24 funds under this section for fiscal year 2004 and each fis-  
25 cal year thereafter, the Secretary shall ensure that not less

1 than 2 percent of the funds made available to carry out  
 2 the program under this section are allocated to each bor-  
 3 der State.”.

4 (c) TRANSPORTATION AND COMMUNITY AND SYSTEM  
 5 PRESERVATION PILOT PROGRAM.—Section 1221 of the  
 6 Transportation Equity Act for the 21st Century (23  
 7 U.S.C. 101 note; 112 Stat. 221) is amended by adding  
 8 at the end the following:

9 “(f) MINIMUM ALLOCATIONS TO STATES.—Notwith-  
 10 standing any other provision of law, in allocating funds  
 11 made available under this section for fiscal year 2004 and  
 12 each fiscal year thereafter, the Secretary shall ensure that  
 13 the total of the allocations to each State (including alloca-  
 14 tions to the metropolitan planning organizations and local  
 15 governments in the State) under this section is not less  
 16 than the product obtained by multiplying—

17 “(1) 50 percent of the percentage specified for  
 18 the State in section 105 of title 23, United States  
 19 Code, for the fiscal year; and

20 “(2) the total amount of funds made available  
 21 to carry out this section for the fiscal year.”.

22 (d) MINIMUM ALLOCATIONS TO STATES FOR ITS  
 23 DEPLOYMENT.—

24 (1) IN GENERAL.—Notwithstanding any other  
 25 provision of law, for fiscal year 2004 and each fiscal

1 year thereafter, in allocating funds made available  
 2 under section 2(f)(6), the Secretary shall ensure that  
 3 the total of the allocations to each State using those  
 4 funds is not less than the product obtained by multi-  
 5 plying—

6 (A) 50 percent of the percentage specified  
 7 for the State in section 105 of title 23, United  
 8 States Code, for the fiscal year; and

9 (B) the total amount of funds made avail-  
 10 able under section 2(f)(6).

11 (2) USE OF FUNDS FOR BOTH TYPES OF  
 12 PROJECTS.—In administering funds available for al-  
 13 location under section 2(f)(6), the Secretary shall  
 14 encourage States to carry out both—

15 (A) projects eligible under section 5208 of  
 16 the Transportation Equity Act for the 21st  
 17 Century (23 U.S.C. 502 note; 112 Stat. 458);  
 18 and

19 (B) projects eligible under section 5209 of  
 20 that Act.

21 **SEC. 8. HISTORIC PARK ROADS AND PARKWAYS.**

22 (a) IN GENERAL.—Section 202(c) of title 23, United  
 23 States Code, is amended—

24 (1) by striking “(c) On” and inserting the fol-  
 25 lowing:

1 “(c) PARK ROADS AND PARKWAYS.—

2 “(1) IN GENERAL.—On”; and

3 (2) by adding at the end the following:

4 “(2) HISTORIC PARK ROADS AND PARKWAYS.—

5 “(A) DEFINITIONS.—In this paragraph:

6 “(i) NATIONAL PARK.—The term ‘na-  
7 tional park’ means an area of land or  
8 water administered by the National Park  
9 Service that is designated as a national  
10 park.

11 “(ii) RECREATION VISIT.—The term  
12 ‘recreation visit’ means the entry into a  
13 national park for a recreational purpose of  
14 an individual who is not—

15 “(I) an employee of the Federal  
16 Government, or other individual, who  
17 has business in the national park;

18 “(II) an individual passing  
19 through the national park for a pur-  
20 pose other than visiting the national  
21 park; or

22 “(III) an individual residing in  
23 the national park.

24 “(iii) RECREATION VISITOR DAY.—

25 The term ‘recreation visitor day’ means a



1 period of 12 hours spent in a national park  
2 by an individual making a recreation visit  
3 to the national park.

4 “(B) ALLOCATION.—Notwithstanding  
5 paragraph (1), for fiscal year 2004 and each  
6 fiscal year thereafter, the first \$100,000,000  
7 authorized to be appropriated from the High-  
8 way Trust Fund (other than the Mass Transit  
9 Account) for park roads and parkways for the  
10 fiscal year shall be allocated for projects to re-  
11 construct, rehabilitate, restore, resurface, or im-  
12 prove to applicable safety standards any high-  
13 way that meets the criteria specified in sub-  
14 paragraph (C).

15 “(C) ELIGIBILITY CRITERIA.—The criteria  
16 referred to in subparagraph (B) are that—

17 “(i) the highway provides access to or  
18 is located in a national park;

19 “(ii) the highway was initially con-  
20 structed before 1940; and

21 “(iii) as determined using data pro-  
22 vided by the National Park Service aver-  
23 aged over the 3 most recent years for  
24 which the data are available, the national  
25 park to which the highway provides access

1 or in which the highway is located is used  
 2 more than 1,000,000 recreation visitor  
 3 days per year.

4 “(D) PRIORITY.—In funding projects eligi-  
 5 ble under subparagraphs (B) and (C), the Sec-  
 6 retary shall give priority to any project on a  
 7 highway that is located in or provides access to  
 8 a national park that—

9 “(i) is adjacent to a national park of  
 10 a foreign country; or

11 “(ii) is located in more than 1 State.

12 “(E) FEDERAL-STATE COOPERATION IN  
 13 PROJECT DEVELOPMENT.—Projects to be car-  
 14 ried out under this paragraph shall be devel-  
 15 oped cooperatively by the Secretary and the  
 16 State in which a national park is located.

17 “(F) SUPPORT BY THE SECRETARY.—The  
 18 Secretary shall provide the maximum feasible  
 19 support to ensure prompt development and im-  
 20 plementation of projects under this paragraph.

21 “(G) RESERVATION OF FUNDS FOR  
 22 PROJECTS OUTSIDE NATIONAL PARKS.—

23 “(i) IN GENERAL.—For each fiscal  
 24 year, not less than 40 percent of the funds  
 25 allocated under this paragraph shall be

1           used for projects described in subpara-  
 2           graph (B) on highways that are located  
 3           outside national parks but provide access  
 4           to national parks.

5           “(ii) USE OF EXCESS FUNDS.—If the  
 6           Secretary determines that funds set aside  
 7           under clause (i) are in excess of the needs  
 8           for reconstruction, rehabilitation, restora-  
 9           tion, resurfacing, or improvement of the  
 10          highways described in that clause, the  
 11          funds set aside under that clause may be  
 12          used for transit projects that serve na-  
 13          tional parks with highways (including ac-  
 14          cess highways) that meet the criteria speci-  
 15          fied in subparagraph (C).

16          “(H) AVAILABILITY OF AMOUNTS.—Funds  
 17          allocated under this paragraph shall remain  
 18          available until expended.

19          “(I) RELATIONSHIP TO OTHER LAW.—  
 20          Nothing in this paragraph reduces the eligibility  
 21          or priority of a project under any other provi-  
 22          sion of this title or other law.”.

23          (b) AUTHORIZATION OF APPROPRIATIONS.—There  
 24          are authorized to be appropriated such sums as are nec-  
 25          essary to carry out projects that—

1           (1) are eligible for funding under section  
2           202(c)(2) of title 23, United States Code; but

3           (2) are not fully funded from funds made avail-  
4           able under paragraph (1) or (2) of section 202(c) of  
5           that title.

6 **SEC. 9. COOPERATIVE FEDERAL LANDS TRANSPORTATION**  
7 **PROGRAM.**

8           (a) IN GENERAL.—Chapter 2 of title 23, United  
9 States Code, is amended by inserting after section 206 the  
10 following:

11 **“§ 207. Cooperative Federal lands transportation pro-**  
12 **gram**

13           “(a) IN GENERAL.—

14               “(1) ESTABLISHMENT.—There is established  
15 the cooperative Federal lands transportation pro-  
16 gram (referred to in this section as the ‘program’).

17               “(2) PROJECTS.—

18                   “(A) LOCATIONS.—Funds available for the  
19 program under subsection (d) may be used for  
20 projects, or portions of projects, on highways  
21 that—

22                           “(i) are owned or maintained by  
23 States or political subdivisions of States;  
24 and

1 “(ii) cross, are adjacent to, or lead to  
 2 federally owned land or Indian reservations  
 3 (including Corps of Engineers reservoirs),  
 4 as determined by the State.

5 “(B) SELECTION.—The projects shall be  
 6 selected by a State after consultation with the  
 7 Secretary and each affected local or tribal gov-  
 8 ernment.

9 “(C) TYPES OF PROJECTS.—A project se-  
 10 lected by a State under this section—

11 “(i) shall be on a highway or bridge  
 12 owned or maintained by the State or 1 or  
 13 more political subdivisions of the State;  
 14 and

15 “(ii) may be—

16 “(I) a highway or bridge con-  
 17 struction or maintenance project eligi-  
 18 ble under this title; or

19 “(II) any eligible project under  
 20 section 204(h).

21 “(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

22 “(1) IN GENERAL.—

23 “(A) DETERMINATIONS BY THE SEC-  
 24 RETARY.—The Secretary—

1 “(i) after consultation with the Ad-  
 2 ministrator of General Services, the Sec-  
 3 retary of the Interior, and the heads of  
 4 other agencies as appropriate (including  
 5 the Chief of Engineers), shall determine  
 6 the percentage of the total land in each  
 7 State that is owned by the Federal Govern-  
 8 ment or that is held by the Federal Gov-  
 9 ernment in trust;

10 “(ii) shall determine the sum of the  
 11 percentages determined under clause (i)  
 12 for States with respect to which the per-  
 13 centage is 4.5 or greater; and

14 “(iii) shall determine for each State  
 15 included in the determination under clause  
 16 (ii) the percentage obtained by dividing—

17 “(I) the percentage for the State  
 18 determined under clause (i); by

19 “(II) the sum determined under  
 20 clause (ii).

21 “(B) ADJUSTMENT.—The Secretary  
 22 shall—

23 “(i) reduce any percentage determined  
 24 under subparagraph (A)(iii) that is greater  
 25 than 7.5 percent to 7.5 percent; and

1                   “(ii) redistribute the percentage  
 2                   points equal to any reduction under clause  
 3                   (i) among other States included in the de-  
 4                   termination under subparagraph (A)(ii) in  
 5                   proportion to the percentages for those  
 6                   States determined under subparagraph  
 7                   (A)(iii).

8                   “(2) AVAILABILITY TO STATES.—For each fis-  
 9                   cal year, the Secretary shall make funds available to  
 10                  carry out eligible projects in a State in an amount  
 11                  equal to the amount obtained by multiplying—

12                   “(A) the percentage for the State, if any,  
 13                   determined under paragraph (1); by

14                   “(B) the funds made available for the pro-  
 15                   gram under subsection (d) for the fiscal year.

16                  “(c) TRANSFERS.—Notwithstanding any other provi-  
 17                  sion of law, a State and the Secretary may agree to trans-  
 18                  fer amounts made available to a State under this section  
 19                  to the allocations of the State under section 202 for use  
 20                  in carrying out projects on any Federal lands highway that  
 21                  is located in the State.

22                  “(d) FUNDING.—

23                   “(1) IN GENERAL.—Notwithstanding section  
 24                   202 or any other provision of law, for fiscal year  
 25                   2004 and each fiscal year thereafter, the Secretary

1       shall transfer for use in accordance with this section  
 2       an amount equal to 50 percent of the funds that  
 3       would otherwise be allocated for the fiscal year  
 4       under the first sentence of section 202(b).

5           “(2) CONTRACT AUTHORITY.—Funds trans-  
 6       ferred for use in accordance with this section shall  
 7       be available for obligation in the same manner as if  
 8       the funds were apportioned under chapter 1.”.

9       (b) CONFORMING AMENDMENT.—The analysis for  
 10      chapter 2 of title 23, United States Code, is amended by  
 11      striking the item relating to section 207 and inserting the  
 12      following:

“207. Cooperative Federal lands transportation program.”.

13   **SEC. 10. MISCELLANEOUS PROGRAM IMPROVEMENTS.**

14       (a) FEDERAL SHARE.—

15           (1) IN GENERAL.—Section 120 of title 23,  
 16      United States Code, is amended—

17           (A) in subsection (b), by striking “the per-  
 18           centage that the area of all such lands in such  
 19           State” each place it appears and inserting  
 20           “twice the percentage that the area of all such  
 21           lands in the State”;

22           (B) in subsection (f)—

23           (i) by striking “and with the Depart-  
 24           ment of the Interior” and inserting “, the



1 Department of the Interior, and the De-  
 2 partment of Agriculture”; and

3 (ii) by striking “and national parks  
 4 and monuments under the jurisdiction of  
 5 the Department of the Interior” and in-  
 6 serting “, national parks, national monu-  
 7 ments, and national forests under the ju-  
 8 risdiction of the Department of the Inte-  
 9 rior or the Department of Agriculture”;  
 10 and

11 (C) by adding at the end the following:

12 “(m) MULTISTATE WEIGHT ENFORCEMENT IM-  
 13 PROVEMENTS.—The Federal share of the cost of any  
 14 project described in section 101(a)(3)(H) shall be 100 per-  
 15 cent if the project is to be used, or is carried out jointly,  
 16 by more than 1 State.”.

17 (2) HIGH PRIORITY PROJECTS PROGRAM.—Sec-  
 18 tion 117(c) of title 23, United States Code, is  
 19 amended by striking “80 percent” and inserting  
 20 “the share applicable under section 120(b)”.

21 (3) HIGHWAY BRIDGE REPLACEMENT AND RE-  
 22 HABILITATION PROGRAM.—Section 144 of title 23,  
 23 United States Code, is amended by striking sub-  
 24 section (f).

1           (4) NATIONAL SCENIC BYWAYS PROGRAM.—  
 2       Section 162(f) of title 23, United States Code, is  
 3       amended by striking “80 percent” and inserting  
 4       “the share applicable under section 120(b)”.

5           (5) STATE PLANNING AND RESEARCH.—Section  
 6       505(c) of title 23, United States Code, is amended  
 7       by striking “80 percent” and inserting “the share  
 8       applicable under section 120(b),”.

9           (6) INTELLIGENT TRANSPORTATION SYSTEM IN-  
 10      TEGRATION PROGRAM.—Section 5208 of the Trans-  
 11      portation Equity Act for the 21st Century (23  
 12      U.S.C. 502 note; 112 Stat. 458) is amended by  
 13      striking subsection (f) and inserting the following:  
 14      “(f) FEDERAL SHARE.—The Federal share of the  
 15      cost of a project payable from funds made available to  
 16      carry out this section shall be the share applicable under  
 17      section 120(b) of title 23, United States Code.”.

18          (7) COMMERCIAL VEHICLE INTELLIGENT  
 19      TRANSPORTATION SYSTEM INFRASTRUCTURE DE-  
 20      PLOYMENT.—Section 5209 of the Transportation  
 21      Equity Act for the 21st Century (23 U.S.C. 502  
 22      note; 112 Stat. 461) is amended by striking sub-  
 23      section (e) and inserting the following:

24      “(e) FEDERAL SHARE.—The Federal share of the  
 25      cost of a project payable from funds made available to

1 carry out this section shall be the share applicable under  
 2 section 120(b) of title 23, United States Code.”.

3 (b) INCREASED FLEXIBILITY IN ADDRESSING RAIL-  
 4 WAY-HIGHWAY CROSSINGS.—Section 130(e) of title 23,  
 5 United States Code, is amended by striking the first sen-  
 6 tence and inserting the following: “Funds authorized for  
 7 or expended under this section may be used for installation  
 8 of protective devices at railway-highway crossings.”.

9 (c) FLEXIBILITY IN IMPROVING AIR QUALITY.—Sec-  
 10 tion 149(c) of title 23, United States Code, is amended—

11 (1) in paragraph (1), by striking “for any  
 12 project eligible under the surface transportation pro-  
 13 gram under section 133.” and inserting the fol-  
 14 lowing: “for any project in the State that—

15 “(A) would be eligible under this section if  
 16 the project were carried out in a nonattainment  
 17 or maintenance area; or

18 “(B) is eligible under the surface transpor-  
 19 tation program under section 133.”; and

20 (2) in paragraph (2), by striking “for any  
 21 project in the State eligible under section 133.” and  
 22 inserting the following: “for any project in the State  
 23 that—

1 “(A) would be eligible under this section if  
 2 the project were carried out in a nonattainment  
 3 or maintenance area; or

4 “(B) is eligible under the surface transpor-  
 5 tation program under section 133.”.

6 (d) BROADENED TIFIA ELIGIBILITY.—Section  
 7 182(a)(3) of title 23, United States Code, is amended—

8 (1) in subparagraph (A)(i), by striking  
 9 “\$100,000,000” and inserting “\$25,000,000”;

10 (2) by striking “PROJECT COSTS” and all that  
 11 follows through “to be eligible” and inserting the fol-  
 12 lowing: “PROJECT COSTS.—To be eligible”;

13 (3) by striking subparagraph (B); and

14 (4) by redesignating clauses (i) and (ii) as sub-  
 15 paragraphs (A) and (B), respectively, and indenting  
 16 appropriately.

17 (e) STATE ROLE IN SELECTION OF FOREST HIGH-  
 18 WAY PROJECTS.—Section 204(a) of title 23, United  
 19 States Code, is amended by adding at the end the fol-  
 20 lowing:

21 “(7) STATE ROLE IN SELECTION OF FOREST  
 22 HIGHWAY PROJECTS.—Notwithstanding any other  
 23 provision of this title, no forest highway project may  
 24 be carried out in a State under this chapter unless  
 25 the State concurs in the selection of the project.”.

1 (f) HISTORIC BRIDGE ELIGIBILITY.—Section 144(o)  
 2 of title 23, United States Code, is amended—

3 (1) in paragraph (3), by inserting “200 percent  
 4 of” after “shall not exceed”; and

5 (2) in paragraph (4)—

6 (A) by redesignating subparagraphs (A)  
 7 and (B) as clauses (i) and (ii), respectively, and  
 8 indenting appropriately;

9 (B) by striking “Any State” and inserting  
 10 the following:

11 “(A) IN GENERAL.—Any State”;

12 (C) in the second sentence—

13 (i) by striking “Costs incurred” and  
 14 inserting the following:

15 “(B) ELIGIBILITY AS REIMBURSABLE  
 16 PROJECT COSTS.—

17 “(i) IN GENERAL.—Costs incurred”;

18 and

19 (ii) by inserting “200 percent of”  
 20 after “not to exceed”; and

21 (D) by striking the third sentence and in-  
 22 serting the following:

23 “(ii) AMOUNT.—If a State elects to  
 24 use funds apportioned under this section to  
 25 support the relocation of a historic bridge,

the eligible reimbursable project costs shall be equal to the greater of the Federal share that would be available for the construction of a new bicycle or pedestrian bridge or 200 percent of the cost of demolition of the historic bridge.

“(iii) EFFECT.—Nothing in clause (ii) creates an obligation on the part of a State to preserve a historic bridge.”.

**SEC. 11. MISCELLANEOUS PROGRAM EXTENSIONS AND TECHNICAL AMENDMENTS.**

(a) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION.—Section 104(d)(2)(A) of title 23, United States Code, is amended by striking “for a fiscal year” and inserting “for each of fiscal years 1998 through 2003”.

(b) MINIMUM GUARANTEE.—Section 105 of title 23, United States Code, is amended in subsections (a), (d), and (f) by striking “2003” each place it appears and inserting “2009”.

(c) HIGH PRIORITY PROJECTS PROGRAM.—Section 117 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

1 (B) by striking “Of amounts made avail-  
 2 able to carry out this section,” and inserting  
 3 the following:

4 “(2) AVAILABILITY OF FUNDS FOR FISCAL  
 5 YEARS 1998 THROUGH 2003.—Of the funds made  
 6 available to carry out this section for each of fiscal  
 7 years 1998 through 2003,”; and

8 (C) by adding at the end the following:

9 “(3) AVAILABILITY OF FUNDS FOR FISCAL  
 10 YEARS 2004 THROUGH 2009.—

11 “(A) IN GENERAL.—For each of fiscal  
 12 years 2004 through 2009, the Secretary shall  
 13 allocate the funds made available to carry out  
 14 this section to each of the 50 States and the  
 15 District of Columbia in accordance with the  
 16 percentage specified for each such State and  
 17 the District of Columbia under section 105.

18 “(B) USE OF FUNDS.—Funds allocated in  
 19 accordance with subparagraph (A) may be used  
 20 for any project eligible under this chapter that  
 21 is designated by the State transportation de-  
 22 partment as a high priority project.”; and

23 (2) in subsection (b), by striking “For” and in-  
 24 serting “With respect to funds made available to

1 carry out this section for each of fiscal years 1998  
 2 through 2003, for”.

3 (d) HIGHWAY BRIDGE REPLACEMENT AND REHA-  
 4 BILITATION PROGRAM.—Section 144(g)(1) of title 23,  
 5 United States Code, is amended by adding at the end the  
 6 following:

7 “(D) FISCAL YEARS 2004 THROUGH 2009.—  
 8 Of the amounts authorized to be appropriated  
 9 to carry out the bridge program under this sec-  
 10 tion for each of fiscal years 2004 through 2009,  
 11 all but \$100,000,000 shall be apportioned as  
 12 provided in subsection (e). That \$100,000,000  
 13 shall be available at the discretion of the Sec-  
 14 retary.”.

15 (e) DISADVANTAGED BUSINESS ENTERPRISES.—Sec-  
 16 tion 1101(b)(1) of the Transportation Equity Act for the  
 17 21st Century (23 U.S.C. 101 note; 112 Stat. 113) is  
 18 amended by striking “of this Act” and inserting “of this  
 19 Act and the Maximum Economic Growth for America  
 20 Through Highway Funding Act”.

21 (f) PUERTO RICO HIGHWAY PROGRAM.—Section  
 22 1214(r)(1) of the Transportation Equity Act for the 21st  
 23 Century (112 Stat. 209) is amended by inserting “, and  
 24 funds authorized by section 2(b)(7) of the Maximum Eco-  
 25 nomic Growth for America Through Highway Funding



1 Act for each of fiscal years 2004 through 2009,” after  
2 “2003”.

3 **SEC. 12. EFFECTIVE DATE.**

4 Except as otherwise provided, this Act and the  
5 amendments made by this Act take effect on October 1,  
6 2003.

